



General Assembly

February Session, 2008

Raised Bill No. 64

LCO No. 172

00172_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING SCARRING AWARDS UNDER THE
WORKERS' COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-308 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (c) In addition to compensation for total or partial incapacity or for a
5 specific loss of a member or use of the function of a member of the
6 body, the commissioner, not earlier than one year from the date of the
7 injury and not later than two years from the date of the injury or the
8 surgery date of the injury, may award compensation equal to seventy-
9 five per cent of the average weekly earnings of the injured employee,
10 calculated pursuant to section 31-310, after such earnings have been
11 reduced by any deduction for federal or state taxes, or both, and for
12 the federal Insurance Contributions Act made from such employee's
13 total wages received during the period of calculation of the employee's
14 average weekly wage pursuant to said section 31-310, but not more
15 than one hundred per cent, raised to the next even dollar, of the
16 average weekly earnings of production and related workers in

17 manufacturing in the state, as determined in accordance with the
 18 provisions of section 31-309, for up to two hundred eight weeks, for
 19 any permanent significant disfigurement of, or permanent significant
 20 scar on [, (A) the face, head or neck, or (B) on any other area of the
 21 body which handicaps the employee in obtaining or continuing to
 22 work. The commissioner may not award compensation under this
 23 subsection when the disfigurement was caused solely by the loss of or
 24 the loss of use of a member of the body for which compensation is
 25 provided under subsection (b) of this section or for any scar resulting
 26 from an inguinal hernia operation or any spinal surgery] any area of
 27 the body. In making any award under this subsection, the
 28 commissioner shall consider (1) the location of the scar or
 29 disfigurement, (2) the size of the scar or disfigurement, (3) the visibility
 30 of the scar or disfigurement due to hyperpigmentation or
 31 depigmentation, whether hypertrophic or keloidal, (4) whether the
 32 scar or disfigurement causes a tonal or textural skin change, causes
 33 loss of symmetry of the affected area or results in noticeable bumps or
 34 depressions in the affected area, and (5) other relevant factors.
 35 [Notwithstanding the provisions of this subsection, no compensation
 36 shall be awarded for any scar or disfigurement which is not located on
 37 (A) the face, head or neck, or (B) any other area of the body which
 38 handicaps the employee in obtaining or continuing to work.] In
 39 addition to the requirements contained in section 31-297, the
 40 commissioner shall provide written notice to the employer or the
 41 employer's representative prior to any hearing held by the
 42 commissioner to consider an award for any scar or disfigurement
 43 under this subsection.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2008	31-308(c)
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Statement of Purpose:

To create a more equitable system of awarding workers' compensation for permanent disfigurement or scarring.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]